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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,532	06/16/2006	Tadashi Amino	08228/096001	3162

22511 7590 12/22/2010
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER

WONG, ALLEN C

ART UNIT	PAPER NUMBER
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2482

NOTIFICATION DATE	DELIVERY MODE
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12/22/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com
buta@oshaliang.com
hathaway@oshaliang.com

Office Action Summary	Application No.	Applicant(s)	
	10/583,532	AMINO, TADASHI	
	Examiner	Art Unit	
	Allen Wong	2482	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 4-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Species I, Claims 1-3 in the reply filed on 11/5/10 is acknowledged.

The search for Species 1 would be class/sub 375,240.12 (predictive video encoding), the search for Species 2 would be 375/240.25 (specific decompression process), and the search for Species 3 would be 375/219 (data transceiving). Each species requires a special search that would be very burdensome for examination since multiple class/subclass need to be searched because of the separate classifications that each species has since each species has separate status in the art because of their recognized divergent subject matter restriction for examination purposes as indicated above. Each species have been shown to have formed a separate subject for inventive effort when the examiner can show a recognition of great separate inventive effort by inventors. Each species can be used separately since there are many types of video encoders, video decoders, and transceivers or data transceiving systems that may use a variety of alternative forms of video transmission mediums/standards/formats, etc. Thus, each species is distinct.

Non-elected Species II and III for claims 4-8 are withdrawn and should be canceled.

This election/restriction requirement is FINAL.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

Art Unit: 2482

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1 and 2 pertain to the single means claims wherein a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. See MPEP 2164.08(a), as cited below.

A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983) (A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). When claims depend on a recited property, a fact situation comparable to Hyatt is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Kikuchi (7,010,032).

Regarding claim 1, Kikuchi discloses a radio video transmission device for encoding and packetizing video data and radio-transmitting a packet (col.19, ln.33-40, Kikuchi discloses the coded or compressed moving video image data is transmitted via radio, wherein the RTP (real time transport protocol) packet is prepared for video data transmission by the coding apparatus; also, see fig.21, note radio transmission of compressed RTP packetized video data is implemented to access video data from computers 1001 and 1005 and the portable video phone that receives radio signals), the radio video transmission device being configured such that serial number information indicating the order of transmission of the packet is added to the packet (col.13, ln.49-57, Kikuchi discloses the serial number information, from format as illustrated in fig.15C, to indicate the order of the video data packets is added to the packet to the format as illustrated in fig.15B for adding the information needed to distinguish the order of the transmission of the packet).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi (7,010,032) in view of Taira (6,125,232).

Regarding claim 2, Kikuchi discloses a signal generation device for encoding and packetizing video data (col.19, ln.33-40, Kikuchi discloses the coded or compressed moving video image data is transmitted via radio, wherein the RTP (real time transport protocol) packet is prepared for video data transmission by the coding apparatus; also, see fig.21, note radio transmission of compressed RTP packetized video data is implemented to access video data from computers 1001 and 1005 and the portable video phone that receives radio signals), wherein a packet including information obtained by encoding a video signal in units of a video signal corresponding to a predetermined number of vertical periods is generated, and serial number information indicating the order of generation of the packet is added to the packet in the order in which the packet is generated.

Kikuchi does not disclose the packet is encoded to include the video signal corresponding to a predetermined number of vertical periods is generated. However, Taira teaches the packet is encoded to include the video signal corresponding to a predetermined number of vertical periods is generated (col.13, ln.7-15, Taira discloses

Art Unit: 2482

the compressed video packet data that has corresponding VBI (vertical blanking interval) data or vertical period data is generated). Therefore, it would have been obvious to one of ordinary skill in the art to combine the known teachings of Taira with Kikuchi, as a whole, for encoding video data in formats that are conducive to efficient, precise video data transmission so as to conveniently compress and transport video data in a robust manner.

Regarding claim 3, Kikuchi discloses wherein a flag indicative of a header portion of the packet is added to the header portion of the packet (col.5, ln.8-16, Kikuchi discloses the flag, HEC (header extension code), is utilized to indicate the header portion of the packet that is added to the header portion of the packet, wherein fig.3C and 3D are illustrations of header information of the video packet).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (571) 272-7341. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm Flextime.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 2482

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Allen Wong
Primary Examiner
Art Unit 2482

/Allen Wong/
Primary Examiner, Art Unit 2482